

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Improving Spectrum Efficiency Through)	WT Docket No. 12-64
Flexible Channel Spacing and Bandwidth)	
Utilization for Economic Area-based 800 MHz)	
Specialized Mobile Radio Licensees)	
)	
Request for Declaratory Ruling that the)	WT Docket No. 11-110
Commission's Rules Authorize Greater than)	
25 kHz Bandwidth Operations in the 817-)	
824/862-869 MHz Band)	

**REPLY TO OPPOSITION TO PETITION FOR RECONSIDERATION
OF THE NATIONAL ASSOCIATION OF TELECOMMUNICATIONS OFFICERS
AND ADVISORS, THE UNITED STATES CONFERENCE OF MAYORS, THE
NATIONAL ASSOCIATION OF COUNTIES, AND THE NATIONAL
LEAGUE OF CITIES**

The National Association of Telecommunications Officers and Advisors (“NATOA”),¹
the United States Conference of Mayors (“USCM”)², the National Association of Counties
(“NACo”)³, and the National League of Cities (“NLC”)⁴ submit the following comments in

¹ NATOA is a national trade association that promotes local government interests in communications, and serves as a resource for local officials as they seek to promote communications infrastructure development.

² The USCM is the official nonpartisan organization of cities with populations of 30,000 or more. There are 1,192 such cities in the country today. Each city is represented in the Conference by its chief elected official, the mayor.

³ NACo represents county governments, and provides essential services to the nation's 3,068 counties.

⁴ The NLC serves as a resource to and an advocate for the more than 19,000 cities, villages, and towns it represents.

response to opposition to the petition for reconsideration filed by the Orange County Sheriff's Department (the "County")⁵ seeking reconsideration of the Commission's *Report and Order*,⁶ FCC 12-55, May 24, 2012, in the above-captioned proceedings.

Initially, we observe that the Bureau should not dismiss the County's petition out of hand as urged by Sprint Nextel.⁷ Indeed, pursuant to Section 1.429(b) of the Commission's rules, a petition for reconsideration may be granted if "the Commission nonetheless determines consideration is required in the public interest."⁸ If protecting the integrity of the County's public safety communication system and, in turn, the public's health and safety, does not qualify as being in the public interest, we are at a loss as to what issue might ever fit that category. And with new facts concerning other instances of interference surfacing, as discussed more fully in the County's comments, we strongly urge the Bureau not to act on its delegated authority to dismiss the County's petition, but rather decide the petition on its merits.

We agree with the comments filed by the Association of Public-Safety Communications Officers – International, Inc. ("APCO")⁹ that Orange County's petition presents new information

⁵ See Petition for Reconsideration and Informal Interference Complaint Regarding AT&T Mobility and Sprint Nextel, filed by Orange County Sheriff's Department, WT Docket No. 12-64 (July 9, 2012) ("Orange County Petition").

⁶ See *Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-Based 800 MHz Specialized Mobile Radio Licensees*, Report and Order, 27 FCC Rcd 6489 (2012) ("*800 MHz Broadband Report and Order*").

⁷ See Opposition to Petition for Reconsideration by Sprint Nextel Corporation, WT Docket Nos. 12-64 and 11-110 (September 17, 2012).

⁸ See 47 C.F.R. § 1.429.

⁹ See Comments of APCO in Response to Petition for Reconsideration, WT Docket Nos. 12-64 and 11-110 (September 17, 2012).

that early deployment of CDMA in southern California may have caused – and may continue to cause – interference to public safety networks that have not yet been reconfigured.

In adopting the *Report and Order*, the Commission made repeated statements that its order was crafted to benefit American consumers and protect public safety operations. However, these two goals are not mutually exclusive. Indeed, we assert that consumers benefit immeasurably by a robust, reliable public safety communications system. We urge the Commission to reconsider its *Report and Order* and, if necessary, put additional protections in place to prevent harmful interference to public safety systems. At the very least, the Commission should, pending rebanding, adopt enhanced notification provisions that would provide agencies with “meaningful warning or information regarding the specifics of its CDMA deployment.”¹⁰

CONCLUSION

For the reasons set forth above, NATOA urges the Commission to reconsider its *Report and Order* in the above-captioned proceedings.

Respectfully submitted,



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September 25, 2012

¹⁰ See Comments of APCO in Response to Petition for Reconsideration, WT Docket Nos. 12-64 and 11-110, at 2 (September 17, 2012).